

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Denis Maloney on 10/28/11.

The application has been amended as follows: **Please amend claims 1, 12 and 23 as follows:**

1. (Currently Amended) A fuel cartridge comprising:
 - a housing, defining an interior space, with the interior space confining a liquid, oxidizable fuel;
 - a fuel egress port supported by the housing, the fuel egress port providing egress of fuel from the interior space of the housing as a vapor, with the vapor exiting the housing through the fuel egress port; and
 - a resistive heating element having a major portion disposed in ~~the housing and in proximity to~~ the fuel egress port, the resistive heating element configured to produce heat, the heat providing a concomitant increase in a vaporization rate of the fuel as the vapor from the housing, with the cartridge having the fuel egress port configured to attach to a fuel cell via an interconnect interposed between the fuel egress port and the fuel cell to deliver an oxidizable vapor to the fuel cell through the interconnect.

12. (Currently Amended) A fuel cartridge, configured to deliver an oxidizable vapor to a fuel cell, the cartridge comprising:

a housing;

a fuel egress port supported by the housing configured to pass fuel in vapor phase from the housing to a fuel cell via an interconnect interposed between the fuel egress port and the fuel cell;

a bladder for containing a source of fuel;

a resistive heating element having a major portion disposed in ~~the housing and in proximity to~~ the fuel egress port to produce heat, the heat providing a concomitant increase in a vaporization rate of the fuel that exits the housing as the vapor phase; and

a piston that is urged against the bladder.

23. (Currently Amended) A fuel cartridge for delivering methanol vapor to a direct methanol fuel cell, the cartridge comprising:

a housing, defining a reservoir for confining a liquid source of hydrogen containing compound or carbonaceous fuel;

a fuel egress port supported by the housing, the fuel egress port providing egress of fuel from the reservoir as a vapor, with the vapor exiting the housing through the fuel egress port that is configured to attach to a direct methanol fuel cell via an interconnect interposed between the fuel egress port and the direct methanol fuel cell to deliver methanol vapor to the direct methanol fuel cell through the interconnect; and

a resistive heating element having a major portion disposed in ~~the housing and in proximity to~~ the fuel egress port configured to produce heat to provide a concomitant

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increase in a vaporization rate of the methanol as vapor with the resistive heating element spacing a vapor portion of the cartridge from the reservoir of the cartridge.

Election/Restrictions

Claim 1 is allowable. The restriction requirement among the Species, as set forth in the Office action mailed on 6/17/08, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 2-8 are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

Claims 1-12 14-17 and 23-27 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not teach or fairly suggest a fuel cartridge having a resistive heating element in the fuel egress port as recited in the currently amended claims above. The closest prior art reference is U.S. Patent No. 6,634,321 teaches a fuel cartridge with a heating element in the housing but fails to teach a heating element in the fuel egress port. There is also no motivation in the prior art to motivate a skilled artisan to make the instantly claimed invention as currently amended.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HODGE whose telephone number is (571)272-2097. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ula Ruddock can be reached on (571) 272-1481. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Robert Hodge/
Primary Examiner, Art Unit 1729